

***REMARKS***

Claims 1-68 were pending in the above-captioned patent application. Claims 60-68 are withdrawn and claims 1-59 are rejected. The Applicant respectfully requests further examination and reconsideration in view of the amendments above and remarks set forth below.

Claim Amendment:

Claim 28 is amended to correct a typographical informality.

Election/Restriction:

The applicant hereby affirms the provisional election made on December 2, 2004, of Group I, including claims 1-59. Accordingly, claims 60-68 are withdrawn.

Information Disclosure Statements:

The applicant previously submitted information disclosure statements on the following dates: September 29, 2003; October 28, 2003; January 9, 2004; February 9, 2004; May 3, 2004; and June 10, 2004. The office action mailed on Dec. 13, 2004, does not include sheet 1 of 3 of the September 9, 2003 information disclosure statement initialed by the examiner, nor sheet 1 of 1 of the June 10, 2004 information disclosure statement initialed by the examiner.

The applicant hereby requests that the information disclosure statement submitted on June 10, 2004 be considered. The applicant also requests that sheet 1 of 3 of the information disclosure statement submitted on September 29, 2003 be considered. Copies of these information disclosure statements are attached to this paper.

The applicant submits herewith an additional information disclosure statement. The applicant requests that the attached information disclosure statement be considered.

Rejections under 35 U.S.C. § 102:

Claims 1-59 are rejected as being anticipated by Selph et al. With respect to claims 1, 5, 7, 11, 12, 28, 32-35, 50 and 53, the examiner stated:

Selph et al. disclose a system for monitoring and controlling utility-based consumption comprising: a reader (meter interface unit 36 shown on Fig. 2) for obtaining utility consumption data from a utility meter (utility meter 20 shown on Fig. 2); and a computer system (data collection computer 312 shown on Fig. 10) for collecting the data from the reader (see col. 15, lines 4-10) wherein the computer system computes a forecast of consumption for one or more predetermined periods of time and wherein the computer system signals for the control of consumption through the controlling of one or more devices that consume utility-based product based on the forecast (see col. 2, line 12 to col. 4, line 18 and col. 12, line 17 to col. 13, line 4).

The applicant respectfully traverses the rejection. Claim 1 recites a system for monitoring and controlling utility-based consumption comprising: a reader for obtaining utility consumption data from a utility meter; and a computer system for collecting the data from the reader wherein the computer system computes a forecast of consumption for one or more predetermined periods of time and wherein the computer system signals for the control of consumption through the controlling of one or more devices that consume utility-based product based on the forecast. Claim 1 is allowable over Selph et al. at least because Selph et al. do not suggest or disclose the claimed feature in which “the computer system computes a forecast of consumption for one or more predetermined periods of time and wherein the computer system signals for the control of consumption through the controlling of one or more devices that consume utility-based product based on the forecast.” Particularly, Selph et al. discloses a predetermined usage, but does not teach forecasting for one or more predetermined periods of time.

Selph et al. discloses a utility metering and submetering system. Title, Selph, et al. Selph et al. explains that the invention comprises one and optionally several means for sensing utility usage. Selph et al. at col. 2, lines 46-48. Electric power consumption is measured using a magnetic field responsive device which includes a Hall effect device. Selph et al. at col. 2, lines 48-50. In addition to sensing electric power consumption, the invention of Selph et al. is said to also be capable of receiving, arbitrating and processing signals from other utility sensors including water flow sensors, gas flow sensors, and other utility metering devices. Selph et al. at col. 2, lines 52-57. The invention of Selph et al. is said to be capable of sensing and reporting emergencies such as fire or intrusion. Selph et al. at col. 2, lines 57-58.

According to Selph et al., a processor or microprocessor responds to the utility sensor or sensors and provides digital information indicative of utility usage. Selph et al. at col. 2, lines 59-62. A display is responsive to the processor and provides a visual indication of the digital information provided by the processor. Selph et al. at col. 3, lines 1-2. In addition, a communication means is coupled to the processor for transmitting the digital information to a location remote from the meter. Selph et al. at col. 3, lines 2-5. The processor can be programmed to provide an alarm event indication in response to a predetermined fault condition, such as an interruption in utility service or a degradation in utility service. Selph et al. at col. 3, lines 12-28.

The electronic circuitry of the invention of Selph et al. is said to derive its primary operating power from the utility itself and may include a backup power source comprising a storage battery and a low battery detection circuit. Selph et al. at col. 3, lines 28-32. Upon primary power failure, the battery backup power source operates the processor and associated circuitry to ensure that no data is lost. Selph et al. at col. 3, lines 32-34.

The invention of Selph et al. is said to be capable of providing a utility metering system for metering multiple utility users. Selph et al. at col. 3, lines 52-53. A data collection computer collects the utility data signals provided by the utility metering devices. Selph et al. at col. 3, lines 57-61. A billing computer receives the collected utility data signals from the data collection computers. Selph et al. at col. 3, lines 61-64. Individual utility metering devices may be located in each apartment of a multiple dwelling apartment complex, while the data collection computer may be located in the manager's office. Selph et al. at col. 4, lines 2-6. If desired, at least one of the utility meters may be provided with a means for sensing fire or intrusion into a protected space so that the manager or tenant can be alerted of an emergency such as fire or breaking and entering. Selph et al. at col. 4, lines 6-10. The data collection computer can also include an automatic telephone dialer and communication device for placing a telephone call in response to the emergency condition or in response to a predetermined utility usage. Selph et al. at col. 4, lines 10-14. In addition, the data collection computer can also be provided with both audible and silent alarms for providing an alerting signal in response

to emergencies or in response to a predetermined utility usage. Selph et al. at col. 4, lines 14-18.

Program routines are described by Selph et al., including: a send sensor routine for transmitting a meter reading value (Selph et al. at col. 12, lines 17-34); an update display routine for causing data indicative of watt hours consumed to be displayed (Selph et al. at col. 12, lines 35-44); a power down routine for when AC line voltage drops below a safe level (Selph et al. at col. 12, lines 45-56); and a count over routine for determining when one watt hour is reached and adding the watt hour to binary coded digits already in memory (Selph et al. at col. 12, line 57 to col. 13, line 4).

Thus, contrary to the examiner's assertion, nowhere does Selph et al. suggest or disclose computing a forecast of consumption, nor signaling for the control of consumption through the controlling of one or more devices that consume utility-based product based on the forecast, as is required by the applicant's claim 1. The portion of Selph et al. at col. 3, line 12 to col. 4, line 18, which is relied upon for this feature simply states that the data collection computer of Selph et al. can make a telephone call or provide alarms in response to emergencies or in response to a predetermined utility usage. A predetermined utility usage does not teach the concept of forecasting for a predetermined period of time. Thus, this does not teach or suggest the above-described feature of claim 1. The portion of Selph et al. at col. 12, line 17 to col. 13, line 4 which is also relied upon for this feature simply describes software routines for transmitting a meter reading value, updating the display, powering down when AC line voltage drops below a safe level and for adding a watt hour to binary coded digits already in memory. This also does not teach or suggest the above-described feature of claim 1. Rather, nowhere does Selph et al. suggest or disclose this feature of claim 1.

For at least this reason, the applicant respectfully submits that claim 1 is allowable over Selph et al. Claims 2-27 are allowable at least because they depend from an allowable base claim 1.

Claim 28 recites a method of monitoring and controlling utility-based consumption comprising: reading consumption data from a utility meter using an automatic reader; collecting the data from the reader in a computer memory device;

computing a forecast of consumption for one or more predetermined periods of time using a computer system; and controlling an amount of consumption by the computer system signaling for the control of one or more devices that consume utility-based product based on the forecast. Thus, similarly to claim 1, claim 28 requires computing a forecast of consumption and controlling an amount of consumption by signaling for the control of one or more devices that consume utility-based product based on the forecast. Selph et al. do not suggest or disclose this feature. For at least this reason, claim 28 is allowable over Selph et al. Claims 29-49 are allowable at least because they are dependent from an allowable base claim 28.

Claim 50 recites a system for monitoring and controlling power consumption comprising: one or more readers for obtaining power consumption data from one or more electric utility meters; and a computer system for collecting the data from the one or more readers wherein the computer system makes forecasts of electric power consumption based on the data and signals for the control of power consumption by controlling one or more devices that consume electricity. Thus, claim 50 requires that a computer system makes forecasts of electric power consumption and signals for the control of power consumption by controlling one or more devices that consume electricity. Selph et al. do not suggest or disclose this feature. For at least this reason, claim 50 is allowable over Selph et al. Claims 51-59 are allowable at least because they are dependent from an allowable base claim 50.

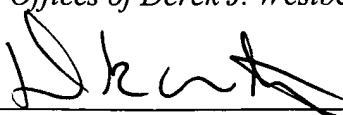
Conclusion:

In view of the above, the applicant submits that all of the pending claims are now allowable. Allowance at an early date is respectfully requested. Should any outstanding issues remain, the Examiner is encouraged to contact the undersigned at (408) 293-9090 so that any such issues may be expeditiously resolved.

Respectfully submitted,

*Law Offices of Derek J. Westberg*

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